UNITED NATIONS

CEDAW

# Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/SR.319
12 March 1998

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Sixteenth session

SUMMARY RECORD OF THE 319th MEETING

Held at Headquarters, New York,
on Friday, 17 January 1997, at 3 p.m.

Chairperson: Ms. KHAN

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Office of Conference and Support Services, room DC2-750, 2 United Nations Plaza.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

97-80132 (E)

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Combined second and third periodic reports of Turkey (CEDAW/C/TURK/2-3, CEDAW/C/1997/CRP.1/Add.4)

1. At the invitation of the Chairperson, Ms. Ertürk and Ms. Saygin (Turkey) took places at the Committee table.

General questions

2. Ms. SCHÖPP-SCHILLING said that the frank and thorough written and oral presentations showed a great deal of commitment by the Turkish delegation to progress and reform. Among her main areas of concern were the conflicting demands of the various social and cultural groups making up Turkish society, which must be viewed from the perspective of the human rights instruments to which Turkey was part. Accommodating those groups should not be seen as giving in to demands, but as observing international commitments.

3. Given the separation of religion and the State in Turkey, she would like to know the extent to which the religious leanings of one of the coalition partners of the current Government were seen as a threat to that separation. Furthermore, there was a discrepancy between the situation of well-educated women from the urban middle class and poor and often uneducated rural women, who were forced by their male kinsmen into traditional roles determined by Islamic patriarchy, and she wondered what the Government was doing to elevate the status of the latter group. In general, despite extensive efforts in many fields, the missing element seemed to be a systematic effort to end their isolation and marginalization.

4. It was troubling to her that financing for Government efforts for the advancement of women came mostly from international sources and was not an integral part of the State budget. She had not heard any specific targets, goals or timetables for the implementation of the national Plan of Action for Women which had been based on the Beijing Platform for Action. It was not clear whether the Plan of Action had been adopted by the Cabinet or discussed in Parliament, and whether budget resources had been set aside for its implementation. Pilot plans and projects were useful, but unless they became part of institutional structures, their success was not guaranteed.

5. Ms. BUSTELO GARCÍA DEL REAL said that, although it was noteworthy that a Directorate General on the Status and Problems of Women had been established, it appeared that there was a lack of political will and support in the Government and Parliament to provide it with adequate financial resources and no real desire to include it in policy-making. The National Plan of Action for women was being based on the Beijing Platform for Action, but basing it on the Convention would lend it greater legal validity. The report had said little about efforts to translate and disseminate the Convention, and she would welcome

more information on that subject. The Committee's General Recommendations 19 on violence against women and 21 on equality within the family might be helpful in legal reform efforts.

6. What happened in Turkey was of great importance to other women throughout the world. It might be useful to develop closer ties to the European Union, which could provide assistance and support to programmes for the advancement of women.

7. Ms. CORTI paid tribute to the support the Government of Turkey had long shown for the Convention, most recently during the series of major international conferences and summits. However, she also had the impression that there was no continuity in policy towards women's issues. In a deeply traditional society it was certainly difficult to address such issues, yet in recent years there had been a regression from the tremendous advances which Turkish women had made earlier in the twentieth century. For example, in 1995 a major meeting had been held on attitudes towards women in the communications media, but it had been an isolated event to which there had been no follow-up.

8. She would like more information on the proposal to establish a Secretariat of States for Women's Issues by decree, since its establishment by law would give it a more solid foundation.

9. In her view, priority should be placed on the images of women as portrayed in the mass media. Since those images reached so many people, changing them could actually affect social practices.

10. Ms. AOUIJ said that Turkey had chosen total separation of religion and the State, which had led to the passage of many positive laws and the advancement of women and the people of Turkey in general. Men and women had equal status, at least in law. Currently, however, in a climate of violence, intolerance and instability, Turkish society was being torn by a hard-line Islamic movement which had become integrated into such State structures as the army and the Ministries of Education and the Interior. That movement, which was supported by the lower classes, had taken advantage of democratization and used that process to its own end. Its goals were first to gain political power, then to attack the status of women, who were viewed as inferior beings who should have no role in public life.

11. Since Turkey had ratified the Convention in 1985, it had taken no measures to bring the law into conformity with the Convention and none of the many reservations had been lifted. A husband was still considered the head of the household, and such practices as virginity examinations and "honour killings" were cause for grave concern. She also noted the growing climate of violence against girls and women and increasing disparity between boys and girls in education. Those conditions would provide fertile ground for an Islamic fundamentalist movement. At a time when human rights should be a priority for any democratic State, those practices represented a violation of human dignity which the Committee could not accept. Religion should be a matter of conscience, not of law or of force.

12. Islam was a great religion, and the first major religion to give women their rights; thus, it could provide no pretext for the oppression of women. At any rate, cultural identity could not be used to legitimize violations of human rights. She asked what strategies the Government had devised to help women retain the advances they had achieved and how it intended to counter the fundamentalist movement. Participation of women in political and economic decision-making was very important because it would allow them to know and protect their rights. It was time for Turkey, a country of major strategic importance, to take vigorous measures to protect the progress its women had achieved.

13. Ms. FERRER GÓMEZ said that she would like to know if there was a specific deadline for the necessary reforms to the Criminal and Civil codes for implementation of the National Plan of Action for women. She was concerned at the serious situation of domestic violence against women and girls, and noted that measures such as investigation and establishing women's shelters had been taken, but the problem appeared to be deeper and more pervasive. It was very difficult to transform deeply rooted images and prejudices, and integrated plans to change the cultural patterns determining such social practices would be needed. She would also welcome more information on the situation of minority women with regard to the Convention and their level of political participation and education.

14. The CHAIRPERSON, speaking in her personal capacity, said that during the 1920s and 1930s, Turkey had been among the most progressive countries in the world in the field of women's rights. However, most of Turkey's reservations to the Convention followed the pattern of Islamic religious law or Shariah, which was surprising in a secular country; furthermore, not all of its reservations were actually in conformity with its own Constitution. For example, laws still existed whereby all marital property was registered under the husband's name, the husband could choose the family domicile, thus limiting women's economic independence, and by law, a wife must take her husband's surname. She would like to learn more about Government measures to remove the reservations to the Convention.

Article 2

15. Ms. JAVATE DE DIOS took note of the positive efforts being made to eliminate violations of the Convention still found in the Labour Code and the Civil Code. The delegation of Turkey had mentioned that all reservations to the Convention would be eliminated by the year 2000, but she wondered whether that target was realistic and how political support to deal with the backlash against such action would be gathered. More information on any systematic plan of action or timetable to reach that goal would be welcome.

16. Ms. OUEDRAOGO asked whether the Directorate General on the Status and Problems of Women was responsible for coordination, and if so how coverage of regions and provinces was being ensured.

17. She asked whether non-governmental organizations working for the advancement of women enjoyed the necessary freedom; it was reported by well-informed sources that a non-governmental organization which had organized a

campaign to combat violence against women had been subjected to deterrence in Istanbul.

18. Ms. SHALEV said that, in relation to article 2 (d), it was indicated in paragraph 13 of the oral replies that violation of virginity in acts of rape was an aggravating factor under criminal law; yet article 423/1 of the Criminal Code (para. 33 of the oral replies) made no mention of violation of virginity. She asked why virginity examinations were required in all allegations of rape (para. 13 of the oral replies), since forced examinations were likely to deter rape victims from taking legal action. It made no sense to conduct forced gynaecological examinations in the case of investigations of illegal prostitution, since lack of virginity proved nothing, and such examinations were discriminatory.

19. Referring to reports of forced gynaecological examinations on political detainees, and on women in state hospitals, supposedly to avoid future allegations of sexual abuse by the police or hospital staff, she said that it was clear that all the codes of virginity and chastity were discriminatory in that they addressed only women's sexual conduct and were a means of controlling women and excluding them from public life. Yet those codes were very pervasive in Turkish culture. She asked what the Turkish Government had done to investigate reports of virginity examinations, whether it had issued clear directives to law enforcement personnel that such examinations were not allowed, and whether it had educated judges to deal with allegations of forced gynaecological examinations. Also, and in connection with article 2 (e), she asked whether the Turkish Government had considered providing human rights training for health care professionals, who needed to be aware that every person, male or female, had the right, under all circumstances, to refuse to undergo medical examination.

20. Referring to paragraph 20 of the oral replies, she said that women prisoners who complained of rape or sexual abuse should be allowed immediate examinations for the purposes of gathering evidence, not to determine virginity. She asked whether the Turkish Government had investigated allegations of sexual abuse of political detainees during interrogation and violations of rights to due process, and whether it had established mechanisms to ensure effective investigation of such complaints and the imposition of appropriate penalties, and to guarantee the right to medical care for political detainees.

21. On article 2 (f), the section of the Criminal Code referring to violence against women was clearly concerned with offenses against morality, or against family or male honour, rather than against women. It was indicated in paragraph 32 of the oral replies that there was no concept of marital rape in Turkish criminal law, and paragraph 29 referred to honour killings as mitigating circumstances in sentencing. Yet the crime of rape was a crime against the dignity and integrity of women and, in the case of honour killings, against their very right to life. Lack of consent by the woman should be the core definition of rape; the Turkish Government should consider gender-sensitive training for judges and law enforcement officials and should review the relevant articles of the Criminal Code.

22. In connection with article 12, it was indicated in paragraph 69 of the oral replies that a married women needed her husband's consent to have an abortion; that was a violation of article 15 of the Convention, and an infringement of women's autonomy and of their right to equality before the law.

Article 4

23. Ms. SCHÖPP-SCHILLING said that the report described a few isolated examples of affirmative action, but there were massive discrepancies within the law and between the de jure and de facto situation; the Turkish Government needed to take a systematic approach towards affirmative action. She asked what opposition there was to affirmative action, by whom and on what grounds, and whether the programme of action based on the Platform for Action of the Fourth World Conference on Women contained a systematic commitment to institutionalize affirmative action in Turkey.

24. Ms. JAVATE DE DIOS asked how many women had benefited from the special credit programmes, whether the programmes were available to both urban and rural women, especially the most impoverished women, how many women had benefited from the special housing quota, and whether women in the informal sector were covered by that programme. She asked whether the Turkish Government was considering any quota systems to accelerate the appointment of women to Government positions, especially at decision-making levels.

Article 5

25. Ms. SCHÖPP-SCHILLING asked whether there was a national policy to establish women's studies programmes or professorships at universities, or whether the existence of women's studies depended on the efforts of isolated professors, and whether the findings of research on women's issues were being integrated into credit courses at universities.

26. Ms. ESTRADA CASTILLO said that the report showed that prejudice against women persisted and that stereotypes were deeply rooted in society and, even more alarmingly, in the consciousness of women. Although the report and oral presentation demonstrated a frank recognition of the problems, no measures or specific projects were proposed which corresponded to their magnitude, and no real solutions were put forward. The reports described a society in which a high percentage of women were illiterate and many of them tolerated violence against women, and in which the press had a pejorative attitude towards women victims of violence. Yet the Turkish Government maintained that it was unaware of the true dimensions of violence against women, and had done little to address the problem. She asked what action the Turkish Government had taken to meet the commitment it had made at the Fourth World Conference on Women to withdraw its reservations to the Convention, and whether there was any real prospect of reform of the Civil Code and Criminal Code, after so many years.

27. In connection with honour crimes, she asked how many women had been victims of such crimes, how many minors had committed such crimes, and how often women who were sent back home after reporting such crimes to the police were killed in order to preserve the family's honour.

28. Ms. JAVATE DE DIOS said that the research cited in the report showed repeatedly that there were very serious attitudinal and behavioural patterns in Turkey, among both men and women, and that there was a great need for gender awareness programmes to change attitudes, especially with regard to violence against women and children, which seemed to be pervasive. She asked what programmes existed, and whether domestic violence crisis centres and emergency centres were adequate not just in urban but also in rural areas.

29. There had been reports from independent sources of specific cases of abuses and torture of women political detainees in Turkey; she asked whether the Government had taken any action to deal with those cases and demonstrate its determination to deal with violence whenever it occurred and whoever perpetrated it, whether in the public or private sector.

30. She also wished to know how many women had been arrested or detained on suspicion of terrorism or subversive activity.

31. Ms. OUEDRAOGO said that there seemed to be no programmes commensurate with the scale of the problem of violence against women. She asked whether journalists had been trained to take a positive image of women. It was a very serious matter that women themselves were unaware of their rights. There would be no progress unless stereotypes were eliminated, and for that broad advocacy was needed. There was a need to intensify information, education, and communications, especially in rural areas, where practices which were harmful to women's health and development were most entrenched. She asked whether the Convention had been translated into Turkish.

Article 6

32. Ms. BUSTELO GARCÍA DEL REAL said that from the information provided on prostitution, it seemed that the Turkish Government and society were more concerned about protecting morality and health than about the rights of women engaged in prostitution, who were often victims of violence, exploitation, and traffic in persons. Since prostitution was regulated, it should be possible to provide data on prostitutes and on the extent to which legislation was effective in preventing violations of their rights. The report indicated that foreign women engaged in prostitution were deported; she asked whether that applied to foreign women who were legal residents of Turkey.

33. Ms. JAVATE DE DIOS, noting that there were said to be 56 brothels in Turkey, asked what information was available on the situation of women in them, whether there were plans to close them down, what the public sentiment was on that point, and what programmes were being developed for the women from the brothels. Women from Bulgaria, Romania and the Russian Federation were stated to be entering Turkey illegally and engaging in prostitution. When foreign women engaged in prostitution, there was likely to be some degree of trafficking and connections with organized crime; she asked what programmes there were to address that problem.

34. Ms. CORTI said that she agreed with the comments made by previous speakers with respect to articles 5 and 6 of the Convention. Turkey lacked a strong policy of enlisting the aid of the mass media in changing the public's

perception of violence against women. In her country, Italy, the national machinery for women had asked the parliamentary commission on the media to introduce programmes on the portrayal of women in the media and debates on women's issues, and that strategy had been a success. In Turkey, however, discussions of women's issues were restricted to publications and academic circles; that approach, which reflected the elitism of Turkish society, was insufficient. Efforts should be made to mobilize women working in the mass media. Moreover, she wondered whether efforts had been made to mobilize women in the Parliament to change the way in which violence was treated in the country's legislation. The figures presented in Turkey's report illustrated the seriousness of the situation and showed that measures were urgently needed to change not only men's attitudes towards violence, but women's attitudes as well. More resources should be allocated to the Directorate General on the Status and Problems of Women. Education and training were important for combating social stereotypes, and she was pleased to note that Turkey had introduced human rights education into school curricula; however, the problem of violence must be tackled from various angles.

35. Ms. GONZÁLEZ MARTÍNEZ said that Turkey's report implied that domestic violence occurred only in relatively low-income and poor families. She wondered whether research on violence had been conducted only in those sectors, since studies in other countries consistently showed that domestic violence occurred at all socio-economic levels. Since women played a major role in educating their children, women themselves were largely responsible for allowing those sociocultural patterns to persist. It was therefore important to strengthen awareness campaigns to inform women of their rights and obligations in society and the family. In view of the report's statement that physical violence against women was punishable only if the victim lodged a formal complaint, she asked how children and elderly women who suffered from physical and psychological abuse could report such acts.

36. She was concerned about provisions of the Penal Code which violated the Convention by differentiating between women and men in the treatment of certain crimes, inter alia by drawing a distinction between rape and attempted rape and by providing that rape was not a crime if it was perpetrated against a non-virgin. Particularly disturbing was the failure to punish the crime of rape if the perpetrator intended to marry the victim, since that situation actually involved two violations of the Convention: rape and forced marriage to the rapist. Lastly, the notion of "honour killings", which could be used as grounds for reducing the penalty for murder, was completely unacceptable.

Article 7

37. Ms. SCHÖPP-SCHILLING said that she was pleased that some political parties were attempting to introduce quotas for women's participation and to identify the needs of women voters. She asked whether any research institutes in Turkey conducted or planned to conduct voting analyses after elections, as such analyses had proved very useful, in countries such as the United States of America and Germany, for persuading political parties to promote female candidates and women's issues.

Article 10

38. Ms. SCHÖPP-SCHILLING asked for more information on the decision taken at the 1996 Education Council meeting, inter alia in terms of the time-frame, goals, monitoring bodies, budgetary resources and sanctions. She also requested details of the curricula used in religious vocational training schools, and asked whether religious leaders could be involved in a dialogue on social issues. It must be recognized that allowing women to be marginalized from technological advancement would be very costly for Turkey and could not be justified on religious grounds.

39. Ms. BUSTELO GARCÍA DEL REAL asked what kind of education was imparted in religious schools. She also wanted to know whether schools in rural areas were single-sex or coeducational, whether there were enough schools for girls and whether girls' attendance rates were insufficient owing to a failure to emphasize their education. With respect to the indication that courses on the human rights of women would be included in school curricula, she asked whether the Convention would be used as a basic instrument for defending those rights. Since the report showed that lack of awareness of women's rights was a serious problem, she wondered what information campaigns were being planned in that area. Moreover, she asked for clarification of the indication that 80 per cent of women in higher education were studying home economics. Lastly, she asked whether young people had access to information on contraceptive use and whether single women had the same access to abortion as married women.

Article 11

40. Ms. JAVATE DE DIOS asked how the Turkish Government was addressing the problem of child labour, which seemed to be widespread in Turkey. With respect to article 7 of the Labour Code, which required enterprises employing between 100 and 150 female workers to establish nursing rooms and day nurseries, she asked whether those facilities were adequate and whether any penalties were imposed in cases of non-compliance.

41. Ms. BARE said that she agreed that human rights had no cultural boundaries; it was important to recognize that they had no ethnic boundaries either, given the obligation of States parties to the Convention to protect the rights of minorities. She was disturbed about the report's indication that, while the migration of minorities to urban areas was on the rise, no job placement services were available to them and the Government was making no special attempt to provide alternative employment opportunities for that sector. In its next periodic report, Turkey should present information on special programmes to give urban migrant women employment opportunities and to change traditional values that perpetuated women's social inequality. Moreover, special educational and employment measures would be needed in relation to the return of migrant women to their regions of origin.

Article 12

42. Ms. ABAKA asked whether elective sterilization was performed in Turkey and, if so, whether a breakdown of the rates for women and men could be provided. She also wanted to know whether any studies had been done on the correlation

between alcoholism among women and domestic violence, and specifically whether married women who were victims of such violence tended to resort to alcohol or drugs in response to their situation. She also wondered how Turkish society treated unmarried and divorced women, since the fact that domestic violence was so widespread suggested that women endured such violence because of society's attitude towards women who did not have husbands.

Article 14

43. Ms. CORTI asked whether, in the wake of the Fourth World Conference on Women, the Turkish Government had planned any initiatives to redress the problem of illiteracy among rural women.

Article 16

44. Ms. SCHÖPP-SCHILLING said that she questioned the advisability of using the Swiss Civil Code as a model for the reform of the Turkish Civil Code, since the former was not among the world's most progressive civil codes; for example, some Swiss women could not even vote. The Turkish authorities should consider using other civil codes, such as those adopted in Scandinavian countries and in Germany. In the new civil code, the allocation of family property in the case of divorce should be changed to recognize property contributed by women and the wealth accrued as a result of women's homemaking capacities. She asked whether the concept of guilt would be removed from divorce law and whether both husband and wife would be expected to share household duties and to be responsible for both income generation and child care, or whether the traditional allocation of roles would persist. She also asked whether the presumption that the husband had the final say in household decision-making would be removed from Turkey's legislation.

45. With respect to article 4, she wondered whether it was true that Turkish women who worked abroad for the Ministry of Foreign Affairs were not entitled to maternity leave. Lastly, she said that the Turkish Parliament should give high priority to the legislative reforms under consideration, and asked the Turkish delegation to bring the Committee's discussion to the attention of parliamentarians and the mass media so that the concerns voiced in that discussion could become part of the public debate in that country.

46. Ms. ERTÜRK (Turkey) assured the Committee members that the Turkish Government would reflect on their comments in developing new strategies. Its report had focused on problems rather than on the many examples of success in addressing women's issues because Turkey would not be satisfied with achieving only partial equality for women. That strategy had been fruitful, as it had prompted many helpful comments from the Committee.

47. The question of whether Turkish women had lost ground since the reforms of 1923 was a matter of debate in Turkey. The current deviations from some of the principles underlying the Turkish Republic were basically attributable to two factors: the tensions and contradictions inherent in an increasingly urban democratic society with a growing middle class that was challenging the country's traditional elitism by rightly demanding to be heard, and the consequent need to take social diversity into account in implementing reforms

and to learn to accept different viewpoints without compromising human rights; and the principle that the rights granted in the country's legislation could not be effectively enjoyed until they were claimed by women themselves. Currently, most Turkish women were not equipped to claim those rights, as the women's movement in Turkey was only about 10 years old. However, promising progress had been made in those 10 years, and the Government was committed to finding new solutions to problems and coping with the ambiguities of modernization while preserving the gains made thus far.

The meeting rose at 5.30 p.m.